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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,232	07/31/2001	William J. Ossmann	US010394	5552

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AGILENT TECHNOLOGIES, INC.  
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EXAMINER

BUDD, MARK OSBORNE

ART UNIT PAPER NUMBER

2834

DATE MAILED: 05/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

919232

Applicant(s)

Ossmann

Examiner

M. Buj

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- ☒ Claim(s) 1-22 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-22 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

### Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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Claims 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are vague, indefinite and misdescriptive in that, there is no structure capable of being the "means for accessing an acoustic window of a body...". It is the operator, observing the body and/or image on a screen that does the "accessing". Transducer structure per se is not a "means for accessing".

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 4, 6-15, 18, 19 and 21 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Shimazaki or Kobayashi.

Kobayashi (fig. 9B) and Shimazaki (fig. 8) both teach the acoustic imaging system including a protective lens over the transducer matrix, a hand held applicator body and electronic focusing circuitry.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 16, 17, 20 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Shimazaki or Kobayashi.

The references teach the claimed structures except for the same specific impedance valves for the matching layer. However, it has long been held that optimization of a known device (e.g. thru routine experimentation) is within the skill expected of the routineer. Thus to ascertain specific optimum valves for any particular application of the devices of Kobayashi or Shimazaki would have been obvious to one of ordinary skill in the art.

Regarding claims 16, 17, 20 and 22, note that it would have been self revealing to an operator if a bone was interfering with imaging the desired organ, and it would then have been obvious to one of ordinary skill in the art to move the probe to a location with a clear view of the desired body part.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimazaki or Kobayashi in view of Slayton or Ishrak.

Shimazaki and Kobayashi teach the transducer using a flat arrangement of the transducer elements. However, each of Slayton and Ishrak teach using either a flat or a curved array of transducer elements depending on the job requirements. Thus, for the reasons taught by Ishrak or Slayton, it would have been obvious to one of ordinary skill in the art to provide Kohayashi or Shimazaki with a curved array.

Further cited of interest are Gilmore, Umemura, Lorraine and Green.

MARK O. BUDD  
PRIMARY EXAMINER  
ART UNIT 212